UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,407	07/10/2001	Yasser alSafadi	US010319	8261

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EXAMINER
BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/902,407	ALSAFADI ET AL.
	Examiner	Art Unit	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 06/23/2006.

2. Claims 1-15 are presented for examination.

3. Amendments to claims 1, 14, and 15 have been received and entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 14, and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The newly added claim limitation of "characteristics of content to be excluded by an output recommendation," is a negative limitation. While there is support in the specification that a time limit, power consumption limit, or a quality measure limit maybe associated with generating a recommendation, the specification does not directly recite the above stated negative limitation. See MPEP § 2173.05(i) and *In re Schecter*, 205 F.2d 185, 98 USPQ 144 (CCPA 1953). Appropriate correction is required.

5. The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
> There are two separate requirements set forth in this paragraph:
> (A)   the claims must set forth the subject matter that applicants regard as their invention; and
> (B)   the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

Claims 1, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The negative limitation of "characteristics of

content to be excluded by an output recommendation", renders the claim indefinite,

because it is an attempt to claim the invention by excluding what the inventors did not

invent rather than distinctly and particularly pointing out what they did invent.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application
> for patent, published under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an application for patent by
> another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for
> purposes of this subsection of an application filed in the United States only if the international
> application designated the United States and was published under Article 21(2) of such treaty in
> the English language.

6.   Claims 1, 5, 8, and 10-15, are rejected under 102(e) as being anticipated by

Kramer et al (Patent Number 6,327,574 hereinafter Kramer).

Disclaimer: Claim 1 was found to be deficient under U.S.C. 112 first paragraph.

To the extent the claimed invention was understood, the following art was applied.

In reference to claim 1, Kramer teaches a method for use in an information

processing system for generating recommendation at a processing device, method

comprising the steps of: receiving an input (purchase history and website visits) (col. 8

lines 47-63 and col. 30 lines 30-47) and one or more limiting factors (seeing only a high

quality best match advertisement for a merchant or a top 20 list of books) (col. 31 lines

6-15 and col. 32 lines 39 to col. 33 lines 20) in a recommender system (content rotator

and illumination sorter) (col. 30 lines 60 to col. 31 lines 38, col. 33 lines 14-20, and

Figure 14) at least a subset of the one or more limiting factors being selectable (user

can select the highest quality matched advertisements by clicking on the star icon or the

user can select the list of top 20 children books by clicking on the link) (col. 31 lines 21-

38 and lines 62 to col. 32 lines 2, col. 32 lines 66 to col. 33 lines 20, and Figures 14-17)

by a user of the device; *the one or more limiting factors defining one or more*

characteristics of content to be excluded by an output recommendation of the

recommender system (i.e. when the customer selects the category of top 20 children's

books, only children books subcategories are displayed, and other categories are

excluded, and this process continues to exclude books from the list to come up with the

targeted list of books) (col. 32 lines 24 to col. 33 lines 47 and Figures 16 and 17); and

generating *the* output recommendation (advertisement for diapers) (Figures 3B and 4)

based at least part on the input and a stored profile (user name, account number,

demographics, preferences) (col. 7 lines 54 to col. 8 lines 13, col. 8 lines 47-63, col. 21

lines 7-19, and col. 30 lines 30-47) associated with the device, a characteristic of the

generating step being configured by the recommender system in accordance with the

one or more limiting factors (only the highest quality matched advertisement (limiting

factor) for diapers customized with the user name (from stored profile) is displayed for

example, since customer was detected to have a new baby (from inputs)) (Figures 3B

and 4).

7.   In reference to claim 5, Kramer teaches the method wherein at least a subset the

one or more limiting factors are selectable via a user interface of the processing device

(selectable star graphic in the clickable rotator or clickable link for the top 20 list) (col. 31

lines 21-38, col. 32 lines 66 to col. 33 lines 20, and Figures 15-17).

8.   In reference to claim 8, Kramer teaches the method wherein the limiting factor

comprises a specified limit on a quality measure associated with the output

recommendation (select the highest quality matched advertisement based on a

numerical score or a top 20 list) (col. 21 lines 51-61, col. 24 lines 25-29, col. 32 lines 53-

57, col. 32 lines 66 to col. 33 lines 20, and Figures 14-18).

9.   In reference to claim 10, Kramer teaches the method wherein the processing

device is configured for presentation of the output recommendation in a visually

perceptible manner on a display of the device (col. 3 lines 1-9, col. 6 lines 47 to col. 8

lines 63, and Figures 3-5, 7, 14-18).

10.   In reference to claim 11, Kramer teaches the method wherein the processing

device is configured for presentation of the output recommendation in an audibly

perceptible manner (col. 23 lines 38-40) using a speaker (standard component that

accompanies computers) associated with the device.

11.   In reference to claim 12, Kramer teaches the method wherein the processing

device comprises at least one of a desktop or portable personal computer (col. 3 lines

1-9, col. 6 lines 47 to col. 8 lines 63, and Figures 3-5, 7, 14-18), a personal digital

assistant, wireless telephone and a set top box.

12.   In reference to claim 13, Kramer teaches the method wherein the one or more limiting factors are stored as part of the profile (only the highest quality matched advertisement is presented on a user account statement based on inputs and stored user profile information) (col. 31 lines 6-15 and Figures 14-16).

13.   **Disclaimer:** Claim 14 was found to be deficient under U.S.C. 112 first paragraph. To the extent the claimed invention was understood, the following art was applied.

In reference to claim 14, Kramer teaches an apparatus for use in generating a recommendation in a processing device information processing system, the apparatus comprising: memory for storing profile associated with the device (col. 5 lines 5, col. 12 lines 8-10, col. 16 lines 33-37, col. 20 line 57, and col. 21 lines 66-67); and a processor coupled to the memory (col. 5 lines 5-9, col. 12 lines 8-10, col. 20 line 57-61, col. 21 lines 39-42, col. 23 lines 23-28 and lines 50-53, col. 30 lines 63-67, col. 32 lines 3-10 and lines 47-50, and Figure 1) the processor being operative to process an input (col. 8 lines 47-63 and col. 30 lines 30-47) and one or more limiting factors (col. 31 lines 6-15 and col. 32 lines 39 to col. 33 lines 20) in an implementation of a recommender system (col. 30 lines 60 to col. 31 lines 38, col. 33 lines 14-20, and Figure 14), at least a subset of the one or more limiting factors being selectable by user of the device (col. 31 lines 21-38 and lines 62 to col. 32 lines 2, col. 32 lines 66 to col. 33 lines 20, and Figures 14-17), *the one or more limiting factors defining one or more characteristics of content to be excluded by an output recommendation of the recommender system (i.e. when the customer selects the category of top 20 children's books, only children books*

subcategories are displayed, and other categories are excluded, and this process

continues to exclude books from the list to come up with the targeted list of books) (col.

32 lines 24 to col. 33 lines 47 and Figures 16 and 17), and to generate *the* output

recommendation (Figures 3B and 4) based at least in part on the input the stored profile

associated with the device (col. 7 lines 54 to col. 8 lines 13, col. 8 lines 47-63, col. 21

lines 7-19, and col. 30 lines 30-47), a characteristic of the recommendation generation

operation being configured by the recommender system in accordance with the one or

more limiting factors (Figures 3B and 4).

14.   **Disclaimer:** Claim 15 was found to be deficient under U.S.C. 112 first

paragraph. To the extent the claimed invention was understood, the following art was

applied.

         In reference to claim 15, Kramer teaches an article of manufacture comprising a

machine-readable storage medium containing one or more software programs (web

browser is a software program and so is the content rotator and illumination generator)

(col. 8 lines 14-63, col. 30 lines 60 to col. 31 lines 38, col. 33 lines 14-20, and Figures 5

and 14) for use in generating a recommendation in a processing device of an

information processing system (intended use), wherein the one or more software

programs when executed implement the steps of: receiving an input and one or more

limiting factors in a recommender system (col. 8 lines 47-63 and col. 30 lines 30-47), at

least a subset of the one or more limiting factors (col. 31 lines 6-15 and col. 32 lines 39

to col. 33 lines 20) being selectable by a user of the device (col. 31 lines 21-38 and lines

62 to col. 32 lines 2, col. 32 lines 66 to col. 33 lines 20, and Figures 14-17); *the one or*

more limiting factors defining one or more characteristics of content to be excluded by

an output recommendation of the recommender system (i.e. when the customer selects

the category of top 20 children's books, only children books subcategories are

displayed, and other categories are excluded, and this process continues to exclude

books from the list to come up with the targeted list of books) (col. 32 lines 24 to col. 33

lines 47 and Figures 16 and 17); and generating *the* output recommendation based at

least in part on the input and a stored profile associated with the device, a characteristic

of the generating step being configured by the recommender system (col. 30 lines 60 to

col. 31 lines 38, col. 33 lines 14-20, and Figure 14) in accordance with the one or more

limiting factors (Figures 3B and 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

15.   Claims 2 and 9 are rejected under U.S.C. 103(a) as being unpatentable over

Kramer in view of Sciammarella et al (Patent Number 5,982,369 hereinafter

Sciammarella).

In reference to claims 2, Kramer does not teach the method further including the

step of generating a ripeness indicator associated with the output recommendation, the

ripeness indicator being indicative of the characteristic of the generating step as

configured in accordance with the one or more limiting factors. Sciammarella teaches the method further including the step of generating a ripeness indicator (how close do the results match in terms of specific factors) associated with the output recommendation, the ripeness indicator being indicative of the characteristic of the generating step as configured in accordance with the one or more limiting factors (quality of match) (col. 2 lines 3-30, col. 4 lines 20-30, col. 5 lines 12-24, and Figures 2-4). It would have been obvious to modify Kramer to include a ripeness indicator associated with the output recommendation, the ripeness indicator being indicative of the characteristic of the generating step as configured in accordance with the one or more limiting factors to enable users to select advertisements that may not be the highest matched advertisements, and to display how close the advertisements match a given criteria in terms of a percentage/size.

16.   In reference to claim 9, Kramer does not teach the method wherein a given limiting factor is selectable by the user as one of the plurality of points along a scale from a low level of the limiting factor to a high level of the limiting factor. Sciammarella teaches the method wherein a given limiting factor is selectable by the user as one of the plurality of points (or boxes which can be a large point) along a scale from a low level of the limiting factor (small box at the bottom of a line) to a high level of the limiting factor (those that match the most are shown at the top along a line and using a bigger box) (col. 5 lines 13-24 and Figures 2 and 4). It would have been obvious to modify Kramer wherein a given limiting factor is selectable by the user as one of the plurality of points along a scale from a low level of the limiting factor to a high level of the limiting

factor to enable users to select advertisements that may not be the highest matched

advertisement, and to display to the user how close the advertisements match a given

criteria in terms of a percentage/size using a visual scale.

17.   Claims 3 and 4 are rejected under U.S.C. 103(a) as being unpatentable over

Kramer in view of Sciammarella et al (Patent Number 5,982,369 hereinafter

Sciammarella) and further in view of official notice.

In reference to claim 3, Kramer does not teach the method wherein the ripeness

indicator comprises a visual indicator having at least a first state corresponding to a first

color and a second state corresponding to a second color. Sciammarella teaches the

method wherein the ripeness indicator comprises a visual indicator (col. 5 lines 13-24

and Figures 2 and 4). It would have been obvious to a person of ordinary skill in the art

at the time of the applicant's invention to include the use of a visual ripeness indicator

for displaying to the user how close the advertisements match a given criteria in terms

of a percentage/size using a visual scale.

In reference to claim 3, official notice is taken that it is old and well known to use

colors to indicate the degree of match in the case of internet search results of a keyword

search where on a graphical bar scale presented to the user, darker shades on the bar

represent a 90-100% match for example between the keyword search and the resulting

webpages that match that search and lighter shades on the bar represent a weaker

match of 1-25% between the keyword search and the resulting webpages. Therefore, it

would have been obvious to a person of ordinary skill in the art at the time of the

applicant's invention to include the use of color in the ripeness indicator to enable users

to graphically determine how well advertisements match a given criteria, since some people may want to receive this information by the use of color and other may prefer to view the information by the use of big boxes.

18.   In reference to claim 4, Kramer does not teach the method wherein the ripeness indicator comprises an audible indicator. Sciammarella teaches the method further including the step of generating a ripeness indicator (col. 2 lines 3-30, col. 4 lines 20-30, col. 5 lines 12-24, and Figures 2-4). It would have been obvious to modify Kramer to include a ripeness indicator to enable users to select advertisements that may not be the highest matched advertisements, and to display how close the advertisements match a given criteria in terms of a percentage/size.

In reference to claim 4, official notice is taken that it is old and well known to use an audible indicator to indicate the existence of a match in the case of an announcement of winning lottery numbers for example. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of an audio indicator in the ripeness indicator to enable users to audibly determine the match of advertisements to a given criteria, since some people may want to receive this information by the use of audio and other may prefer to view the information graphically by the use of big boxes.

19.   Claims 6 and 7 are rejected under U.S.C. 103(a) as being unpatentable over Kramer in view of Shaw ("Inventing the 'Paper' of Figure...Newspapers and the Future: First of Two Part. Next: Fax, phones, fear and the future." Los Angeles Times. June 2, 1991. Pages 1-8 hereinafter Shaw).

In reference to claim 6, Kramer does not does not teach the method wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation. Shaw teaches the method wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation (Page 2 lines 33-34 and Page 3 lines 1-3). It would have been obvious to modify Kramer wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation to enable users to receive smaller or greater amounts (a top 5 or top 50 list instead of a top 20 list) of the advertisements with the best match scores according to how much time the user has available to view the advertisements.

20.   In reference to claim 7, Kramer does not does not teach the method wherein the limiting factor comprises a specified limit on an amount of power consumption utilized (this is also considered to be equal to the amount of time that may be spent by the recommender system in generating the output recommendation, since in effect if you are running out of power, you are running out of the amount of time you have available to access the device prior to shut down as a result of depleting the power supply) in conjunction with generating the output recommendation. Shaw teaches the method wherein the limiting factor comprises a specified limit on an amount of time that may be spent by the recommender system in generating the output recommendation (Page 2 lines 33-34 and Page 3 lines 1-3). It would have been obvious to modify Kramer wherein the limiting factor comprises a specified limit on an amount of time that may be

spent by the recommender system in generating the output recommendation to enable

users to receive smaller or greater amounts (a top 5 or top 50 list instead of a top 20

list) of the advertisements with the best match scores according to how much

time/power the user has available to view the advertisements.

Response to Arguments

21.   After careful review of Applicant's remarks/arguments filed on 06/23/2006, the

Applicant's arguments with respect to claims 1-15 have been fully considered but they

are not persuasive. Amendments to the claims have been entered and considered.

22.   In reference to claims 1, 14, and 15, the previously held 35 USC §112 rejections

are removed in view of the amendments, but due to the Applicant's amendments with

respect to these claims, a new 35 USC §112 first paragraph rejection has been made.

Specifically, the newly added claim limitation of "characteristics of content to be

excluded by an output recommendation," is a negative limitation. While there is support

in the specification that a time limit, power consumption limit, or a quality measure limit

maybe associated with generating a recommendation, the specification does not directly

recite the above stated negative limitation. See MPEP § 2173.05(i) and *In re Schecter*,

205 F.2d 185, 98 USPQ 144 (CCPA 1953). The negative limitation renders the claim

indefinite, because it is an attempt to claim the invention by excluding what the

inventors did not invent rather than distinctly and particularly pointing out what they did

invent. Appropriate correction is required.

23.   With respect to claims 1, 14, and 15, the Applicant argues that Kramer does not

teach "the one or more limiting factors defining one or more characteristics of content to

be excluded by an output recommendation of the recommender system" and that the limiting factors define a characteristic of content to be excluded, not a characteristic of content to be included. The Examiner respectfully disagrees with the Applicant and would like to point the Applicant to (col. 32 lines 24 to col. 33 lines 47 and Figures 16 and 17) where it is disclosed that when the customer selects the category of top 20 children's books, only children books subcategories are displayed, and other categories of books are excluded, and this process continues to exclude books from the list to come up with the targeted list of books for the user.

24.   Claims 2-13 depend on claims 1, 14, and 15 and are rejected by virtue of their dependencies.

25.   Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 1866-217-9197 (toll-free).

NB

August 31st, 2006

/RETTA YEHDEGA
PRIMARY EXAMINER